

Attorney Docket No.: 084335/0131

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***Applicant: Kazuo NAGAI *et al.*

Title: NOVEL GENE

Appl. No.: 09/786,474

Filing Date: March 5, 2001

Examiner: Gabriele E. BUGAISKY

Art Unit: 1653

**DECLARATION**Commissioner for Patents  
Washington, D.C. 20231

Sir:

I declare:

1. A deposit of the microorganism belonging to *Corynebacterium glutamicum* identified as KY9714/pHSA4, of Accession number, FERM BP-6479, was made at the International Depository Authority of 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305-8566, Japan, and accepted under the provisions of the Budapest Treaty for patent purposes.

2. The deposit having Accession number, FERM BP-6479, was made on September 1, 1998.

3. All restrictions on the availability to the public of the culture deposited will be irrevocably removed upon the granting of a patent from the above-identified application.

4. The deposit will be replaced if viable samples cannot be dispensed by the depository.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

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these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Signed this 19<sup>th</sup> day of May, 2003.



Name: Stephen B. Maebius  
Reg. No. 35,264  
Applicants' Representative